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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,826	07/21/2000	Reza Majidi-Ahy	164.1017.01	4409
22883	7590	07/21/2005	EXAMINER	
SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,826

Applicant(s)

MAJIDI-AHY ET AL.

Examiner

Prenell P. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-12, 14-17, 35-58 and 60-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-12, 14-17, 35-57 and 60-96 is/are allowed.
- 6) ☒ Claim(s) 58 & 97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 4-12, 14-17, 35-58 and 60-97 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 58 and 97 are rejected under 35 U.S.C. 102(e) as being anticipated et al by Sterne et al

Regarding claim 58, Sterne discloses a methods and embodiments that include sending information in a system having a plurality of traffic flows (Abstract, Fig. 1, traffic cell streams in an ATM network are associated with ports having different transmission rates, servicing data traffic of different rates, col. 1, line 50-60), each said traffic flow having a link speed associated therewith, said link speeds possibly being different for differing traffic flows; scheduling sending of said information using said plurality of traffic

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flows in response to said differing link speeds (Abstract, Fig. 1-3, servicing data traffic of different rates, scheduling of traffic is based on transmission rates associated with cell streams and associated ports, col. 1, line 50-60).

Regarding claim 97, Stern discloses a device, comprising communication equipment for a time bases switching system having a plurality of traffic flows (Abstract, Fig. 1, traffic cell streams in an ATM network are associated with ports having different transmission rates, servicing data traffic of different rates, col. 1, line 50-60); a processor that executes instructions to control communication over said system (it is inherent that some form of processing is performed if algorithms/applications are implemented and utilized in the system, col. 2, line 46-67, col. 4, line 1-25, col. 5, line 9-19), and memory that stores information including said instructions (it is further inherent that application /algorithms are stored in memory, data stored in queues, col. 2, line 45-67), the instructions including the steps of (a) sending information in said system having said plurality of traffic flows (Fig. 1, a system that has a plurality of data frames/traffic flow, Abstract), each said traffic flow having a link speed associated therewith, said link speeds possibly being different for differing traffic flows (Abstract, Fig. 1, traffic cell streams in an ATM network are associated with ports having different transmission rates, servicing data traffic of different rates, col. 1, line 50-60), and (b) scheduling sending of said information using said plurality of traffic flows in response to said differing link speeds (Abstract, Fig. 1-3, servicing data traffic of different rates,

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scheduling of traffic is based on transmission rates associated with cell streams and associated ports, col. 1, line 50-60).

Allowable Subject Matter

1. Claims 35-57 and 74-96 are allowed over prior art.
2. The following is an examiner's statement of reasons for indicating allowable subject matter: Although the cited prior art teaches a point-to-multi-point communication system that includes groups of codeword associated with OSI physical layer and MAC layer, wherein the sending of first values, and producing second information regarding characteristics of a communication channel in response to a result of the steps of sending and adjusting plurality of first values, they fail to teach or suggest obtaining characteristics of a communication system in response to a first set of values and determining a second set, optimizing plurality of communication parameters wherein time-varying adjustment is independent with regard to each independent communication channel, communication parameters are effective to alter aspects of each said independent channel with regard to frequency-variation, spatial-variation or time-variation, and dynamically selecting second set of values in response to characteristics/parameters, second set of values having been determined to be superior to a set of altered values having only one change to parameters, and adjusting includes calculating a newer set of values for link in response to a combination of an older set of values and an adjusted set of values.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

July 19, 2005


CHI PHAM
SUPERVISORY PATENT EXAMINER
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7/20/05